

1 AN ACT concerning public safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Brominated Fire Retardant Prevention Act is
5 amended by changing Sections 1, 5, 10, and 15 and by adding
6 Sections 17 and 19 as follows:

7 (410 ILCS 48/1)

8 Sec. 1. Short title. This Act may be cited as the Toxic
9 ~~Brominated~~ Fire Retardant Prevention Act.

10 (Source: P.A. 94-100, eff. 7-1-05.)

11 (410 ILCS 48/5)

12 Sec. 5. Legislative findings.

13 (a) Chemicals known as brominated flame retardants (BFR's)
14 are widely used in the United States. To meet stringent fire
15 standards, manufacturers add BFR's to a multitude of products,
16 including plastic housing of electronics and computers,
17 circuit boards, and the foam and textiles used in furniture.

18 (b) Polybrominated diphenyl ether (PBDE), which is a
19 subcategory of BFR's, has increased forty-fold in human breast
20 milk since the 1970s.

21 (c) PBDE has the potential to disrupt thyroid hormone
22 balance and contribute to a variety of developmental deficits,

1 including low intelligence and learning disabilities. PBDE may
2 also have the potential to cause cancer.

3 (d) Substantial efforts to eliminate PBDE ~~BFR's~~ from
4 products have been made throughout the world, ~~including private~~
5 ~~and public sectors~~. These efforts have made available numerous
6 alternative flame retardants that meet alternatives safe to
7 ~~human health while meeting~~ stringent fire standards. To meet
8 market demand, it is in the interest of State manufacturers to
9 eliminate the use of PBDE ~~BFR's~~.

10 (e) In order to protect the public health and the
11 environment, the General Assembly believes it is necessary for
12 the State to develop a precautionary approach regarding the
13 production, use, storage, and disposal of products containing
14 brominated fire retardants.

15 (Source: P.A. 94-100, eff. 7-1-05.)

16 (410 ILCS 48/10)

17 Sec. 10. Definitions. In this Act:

18 "Agency" means the Illinois Environmental Protection
19 Agency.

20 "Brominated flame retardant" and "BFR" mean any chemical
21 containing the element bromine that may be added to a plastic,
22 foam, or textile to inhibit flame formation.

23 "DecaBDE" means decabromodiphenyl ether.

24 "OctaBDE" means octabromodiphenyl ether.

25 "PBDE" means polybrominated diphenyl ether.

1 "PentaBDE" means pentabromodiphenyl ether.

2 (Source: P.A. 94-100, eff. 7-1-05.)

3 (410 ILCS 48/15)

4 Sec. 15. Regulation of brominated flame retardant.

5 (a) Effective January 1, 2006, a person may not
6 manufacture, process, or distribute in commerce a product or a
7 flame-retarded part of a product containing more than one-tenth
8 of 1% of pentaBDE or octaBDE.

9 (b) Subsection (a) of this Section does not apply to the
10 following:

11 (1) The sale by a business, charity, or private party
12 of any used product containing PBDE.

13 (2) The distribution in commerce of original equipment
14 manufacturer replacement service parts manufactured prior
15 to the effective date of this Act.

16 (3) The processing of recycled material containing
17 pentaBDE or octaBDE in compliance with applicable State and
18 federal laws.

19 (c) Beginning January 1, 2011, a person may not
20 manufacture, process, or knowingly sell, offer for sale,
21 distribute for sale, or distribute for use a mattress, mattress
22 pad, an article of furniture, or any other product intended for
23 indoor residential use if the product has a textile component
24 containing decaBDE.

25 (d) Beginning January 1, 2011, a person may not

1 manufacture, process, or knowingly sell, offer for sale,
2 distribute for sale, or distribute for use a television,
3 computer, or other electronic device if the exterior casing of
4 the devices contains decaBDE.

5 (e) Subsections (c) and (d) of this Section do not apply to
6 the following:

7 (1) Any sale of any used product that contains decaBDE.

8 (2) The processing of recycled material containing
9 decaBDE in compliance with applicable State and federal
10 laws.

11 (3) Vehicles used for transportation or products or
12 parts used in such vehicles.

13 (4) Medical devices used to help diagnose, care, treat,
14 or prevent a disease or other health concern.

15 (Source: P.A. 94-100, eff. 7-1-05.)

16 (410 ILCS 48/17 new)

17 Sec. 17. Manufacturer responsibilities.

18 (a) A manufacturer of a product restricted under
19 subsections (c) and (d) of Section 15 of this Act must notify
20 persons that sell or distribute the manufacturer's product of
21 the requirements of this Act no later than January 1, 2008.

22 (b) Effective January 1, 2011, a person who manufactures a
23 product or product component that contains decaBDE and is not
24 regulated under subsection (d) of Section 15 of this Act must
25 provide written notice to the Agency in accordance with this

1 subsection. A product or a component of a product containing
2 decaBDE may not be knowingly offered for final sale, use, or
3 distribution after the effective date of this subsection unless
4 the notice has been provided to the Agency. A trade association
5 representing manufacturers of products may act to fulfill the
6 responsibilities of individual manufacturers under this
7 subsection. The notice must include the following information
8 on a form provided by the Agency:

9 (1) a brief description of the product or product
10 component;

11 (2) the amount of decaBDE in each unit of the product
12 or product component, reported as an exact number, as an
13 average per product or component with an upper or lower
14 limit, or as falling within a range approved by the Agency;

15 (3) the total amount of decaBDE in all units of the
16 product or product components sold in the United States
17 during the most recent calendar year for which sales
18 figures are available, reported either for the units or
19 components sold by the manufacturer or as aggregated by a
20 manufacturer trade association for all units of the product
21 or components made by the industry; and

22 (4) the name and address of the manufacturer and the
23 name, address, and phone number of a contact person for the
24 manufacturer.

25 (c) With the approval of the Agency, the manufacturer may
26 supply the information required in this Section for a product

1 category rather than an individual product. The manufacturer
2 shall update and revise the information in the notification
3 whenever there is significant change in the information or when
4 requested by the Agency. The information required under item
5 (3) of subsection (b) of this Section must be updated and
6 provided to the Agency every 3 years.

7 (d) Notwithstanding item (2) of subsection (b) of this
8 Section, the manufacturer of a product containing one or more
9 components containing decaBDE is not required to include
10 information on the amount of decaBDE in the component in the
11 notice to the Agency, if the component manufacturer has
12 provided that information to the Agency and the manufacturer of
13 the product that contains the component identifies the
14 component and component manufacturer in the notice.

15 (e) An importer of a product or product component from a
16 foreign country may not sell, use, or distribute the product or
17 product component in the State unless the manufacturer of the
18 product or product component is in compliance with this
19 Section, except that this prohibition does not apply to
20 retailers for whom importing is not a primary business.

21 (410 ILCS 48/19 new)

22 Sec. 19. Interstate clearinghouse. The Agency may
23 participate in the establishment and implementation of a
24 regional, multistate clearinghouse to assist in carrying out
25 the requirements of this Act and to help coordinate education

1 and outreach activities, review hazard and alternatives
2 assessments, and any other activities related to the
3 administration of this Act. The Agency may provide the
4 interstate clearinghouse with product information submitted to
5 the Agency under Section 17 of this Act and the Agency and the
6 interstate clearinghouse may compile or publish analyses or
7 summaries of the information.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.